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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000182

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DOE FOR CAROLYN GAY

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SUBJECT: FRAUDSTERS IN THE NIGERIAN NASS? YAR,ADUA SUPPORTS
REVOCATION OF IMMUNITY

REF: 07 ABUJA 2231

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b
& d).

11. (C) SUMMARY: Senator Nuhu Aliyu, Chair of the Committee on Security & Intelligence and retired Deputy Inspector General of Police, sent shock waves through the National Assembly (NASS) and country during a debate on the direction and tempo of the GON's war on corruption. Senator Aliyu threatened to name current NASS members whom he investigated for fraud while in charge of the Criminal Investigations Department. He was stopped by Senate President David Mark, who referred the matter to committee. Speaker of the House Bankole has also referred the matter to the House Ethics Committee, and invited Aliyu to substantiate his allegations. Several prominent Nigerians have publicly backed Aliyu and his course of action. Given his former position, Aliyu probably has evidence to back up his assertions and can presumably count on a fair hearing in the House if not in Mark's Senate. Separately, President Yar'Adua advocated removal of the Constitutional immunity clause for public officers. END SUMMARY.

12. (U) Senator Nuhu Aliyu, Chair of the Committee on Security and Intelligence and a retired Deputy Inspector General of Police, sent shock waves through the NASS and country Wednesday during a debate on the direction and tempo of the Federal Government's and EFCC's war on corruption. Senator Aliyu threatened to name current members of the National Assembly whom he had investigated for fraud while he was in charge of the Criminal Investigations Department. Aliyu noted that "both Nuhu Ribadu and Ibrahim Lamorde served under me in the police force. A tree cannot make a forest. So far, so good for Mr. President (Yar'Adua) for doing a fantastic job and everybody is proud to be called a senator under your leadership." However, Aliyu continued, "I want to say with regrets that in the NASS, we still have 419ers." (Note: 419 is the section of the criminal code dealing with Advance Fee Fraud, and has come to be synonymous with fraud and fraudsters in Nigeria.)

13. (U) Senator Ayogu Eze, Chair of the Committee on Media and Information, urged the Senate to compel Aliyu to name specific individuals, then backtracked when Aliyu agreed to do so. Eze subsequently raised a point of order on the grounds of breach of privilege. Senate President David Mark stopped Aliyu from going further by concurring with Eze's point of order, and referred the matter to the Senate's

Committee on Ethics, Privileges and Public Petitions.

¶4. (U) In the House, Speaker Dimeji Bankole while referring the matter to the House Committee on Ethics and Privileges commented, "Heads may roll) this is real and inevitable. This is serious and we are going to do it and do it in the public domain." He also invited Senator Aliyu to come before the House and substantiate his allegations.

¶5. (U) Several prominent Nigerians have publicly backed Senator Aliyu's threatened course of action, including Chairman of Transparency International Maj.-Gen. Ishola Williams, former Governor Alhaji Balarabe Musa of Kano State, Chief Benji Duru, Deputy National Vice Chairman of the All Progressive Grand Alliance, as well as numerous Senior Advocates of Nigeria (SANs) prominent and respected attorneys) and civil society leaders.

¶6. (U) In a related development, President Umaru Musa Yar'Adua, in a speech to the Partnership Against Corruption Initiative in Davos, Switzerland, expressed his support for removal of the immunity from prosecution clause for current public officers contained in section 308 of the 1999 Nigerian Constitution. "I have confidence that the next constitutional amendment will strip these public officials of this immunity and I am personally in support of that," said Yar'Adua.

¶7. (C) COMMENT: Referral to the Ethics Committee under threat of censure, if not expulsion, is the same approach the Senate took with regard to the case of Senator George Akume, who leveled charges of fraud and financial mismanagement against Senate President Mark (reftel). Senator Eze said the Senate will soon act upon his committee's report on Akume, in

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addition to Aliyu. Given his former position, Aliyu may have real evidence to back up his assertions, and his allegations are less likely to be effectively countered than Akume's. Regardless of the extent of Mark's influence over the Senate proceedings, he will not be able to affect those in the House. Speaker Bankole is not all that fond of Mark, as he recently expressed to Embassy Officers. Yar'Adua's support for eliminating the immunity clause is certainly a step in the right direction. END COMMENT.
SANDERS